CITY OF FORT LAUDERDALE UNSAFE STRUCTURES BOARD THURSDAY, JULY 18, 2013 AT 3:00 P.M. 8th FLOOR CONFERENCE ROOM CITY HALL

CumuLative Attendance 10/13 through 9/14

Board Members	Attendance	Present	
Michael Weymouth, Chair	P	8	1
Joe Holland, Vice Chair	P	8	1
John Barranco	А	7	2
Joe Crognale	P	8	1
Pat Hale	P	8	1
Thornie Jarrett	P	8	1
Don Larson	P	8	1
John Phillips [3:15]	P	7	2
B. George Walker	P	7	2

City Staff

Lori Grossfeld, Board Secretary
Chris Augustin, Chief Building Official
Jeri Pryor, Code Enforcement Supervisor/Clerk
Bridget Patterson, Administrative Aide
Gerry Smilen, Building Inspector
George Oliva, Building Inspector
Carrie Sarver, Assistant City Attorney
Jamie Opperlee, ProtoType Inc. Recording Clerk

Communication to the City Commission

None

Witnesses and Respondents

CE08121108: Marla Neufeld, attorney

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Case Number	Respondent	
1.CE08121108	CHRISTOPHER AND MELISSA CHRIST	3
Address:	646 NW 14 TERRACE	
Disposition:	The Board vacated its previous Order to demolish the property. Board approved 8-0	
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	For the Good of the City	22

The regular meeting of the Unsafe Structures Board convened at 3:00~p.m. at the 8^{th} Floor Conference Room, City Hall, 100~North Andrews Avenue, Ft. Lauderdale, Florida.

All individuals giving testimony before the Board were sworn in.

Approval of meeting minutes

Motion made by Mr. Larson, seconded by Mr. Jarrett, to approve the minutes of the Board's June 2013 meeting. In a voice vote, motion passed 7-0.

Assistant City Attorney Carrie Sarver, who was replacing Ginger Wald as the City's attorney for this hearing, introduced herself.

Cases

1. Case: 08121108

INDEX

CHRIST, CHRISTOPHER

CHRIST, MELISSA

646 NW 14 TER

MS. PATTERSON: This is old business, case number CE08121108, address 646 Northwest 14 Terrace, owner is Christopher and Melissa Christ. Inspector George Oliva. This is a motion to reconsider.

The property was posted on 7/2/13, advertised in the Daily Business Review on 6/28 and 7/5/13. Certified mail to the owner, no response. Certified mail to Greenspoon Marder signed by Jane Flores on 6/25/13.

This case was first heard at the 4/16/09 USB hearing and the Board ordered a demo. The demo was on hold due to bankruptcy. A request was received on 5/28/13 from owner for a motion to reconsider.

CHAIR WEYMOUTH: Good afternoon Inspector.

INSPECTOR OLIVA: Good afternoon Board. George Oliva, Building Inspector for the City. Really, this case was removed from the Unsafe Board way back in 2009 by a previous supervisor due that the previous owner, he came to the City Building Department, he applied for the permits, permit were issued to do the repair after the fire.

This was a case that was issued for the first time

back in 2005 due that there was a fire in the east apartment and half of the building was destroyed. But the new owner that obtained the property at that time, he came to the City, permits were issued — which I have the copy here if a member of the Board wants to see that — and the permit were left to expire back in 2009 because the owner left the property to go back to the bank.

So at this moment half of the property was repaired. They have new windows in place and the roof was redone with a permit that was closed by the City. So the roof is in perfect condition. The electrical system was upgraded with a permit, it didn't pass the final inspection, it was left to expire also.

So all we need to have is the new owner reapply for the permits, to get the old permits renewed and finish the restoration work that was commenced by the previous owner and this property should be back as a perfect livable habitat, or apartment.

CHAIR WEYMOUTH: What is unsafe or what is noncompliant --

INSPECTOR OLIVA: There is nothing unsafe at this moment but the exception is that the permits that were issued were left to expire so once again the Florida Building Code say any work that is done without permit or permit left to expire is to be deemed unsafe.

1	But at this moment the City's position is that this
2	is not unsafe anymore, they just need to have the violation
3	taken care that this permit was left to expire. And the new
4	owner, which I already spoke with them, they're going to have
5	a contractor come to the City and take care of the permits
6	that need to be taken care of.
7	CHAIR WEYMOUTH: So it has not been reapplied for.
8	INSPECTOR OLIVA: Not yet because the ownerships
9	haven't been through yet.
10	CHAIR WEYMOUTH: How long have they owned this
11	property?
12	INSPECTOR OLIVA: Probably the counsel will
13	CHAIR WEYMOUTH: Counselor?
14	MS. NEUFELD: We [inaudible]in a tax deed sale
15	recorded in February, 2013.
16	CHAIR WEYMOUTH: Okay. Any additional questions
17	for Inspector Oliva?
18	MR. CROGNALE: Yes, one question Mr. Oliva.
19	
20	INSPECTOR OLIVA: Sure.
21	MR. CROGNALE: If permits are expired
22	INSPECTOR OLIVA: Yes sir?
23	MR. CROGNALE: it's generally a simple matter of
24	having a contractor go in
25	INSPECTOR OLIVA: Right.

MR. CROGNALE: -- and reopen the permits. Pay the 1 2 fee, reopen the permits. Is there some reason that's not being done? 3 4 INSPECTOR OLIVA: Yes, because they don't have the 5 title in their name yet. Once they get the ownership on their name of the property with Broward County, they can come 7 to the Building Department and have a contractor change the 8 name on the expired permit and renew the permit. 9 MR. CROGNALE: Change of contractor. 10 INSPECTOR OLIVA: Right, change of contractor. That's the -- we're back on getting this --11 12 CHAIR WEYMOUTH: They have not closed on the 13 property yet? 14 INSPECTOR OLIVA: As far as I know, I'm not too sure about the --15 16 CHAIR WEYMOUTH: We'll ask her when she comes up. 17 INSPECTOR OLIVA: Yes. 18 CHAIR WEYMOUTH: Any other questions for Inspector Oliva? 19 20 MR. LARSON: No, I want to hear from the attorney. 21 CHAIR WEYMOUTH: Okay. 22 INSPECTOR OLIVA: Right. Broward County still 23 showing the bank as a property owner when I checked the --CHAIR WEYMOUTH: Okay. Good afternoon counselor, 24 25 how are you?

MS. NEUFELD: I was told only to talk into the mic.

Hello. So, basically we have the contract, the property for sale. It's under contract, we have a buyer that's ready to close.

CHAIR WEYMOUTH: Who is we?

MS. NEUFELD: I represent PPTSB Corp. They're the owner, the current owner of the property pursuant to the tax

owner, the current owner of the property pursuant to the tax deed sale February, 2013. It's under contract with an entity called JE Bailey Properties, it's a licensed real estate brokerage investment company hoping to build a portfolio within the City of rental properties.

CHAIR WEYMOUTH: And that's who you represent.

MS. NEUFELD: No, I represent the seller, the current owner. We have it under contract with this potential buyer to sell the property. They are the ones that are willing to deal with this whole permit issue and bring the property and to compliance.

CHAIR WEYMOUTH: Is there an anticipated closing date?

MS. NEUFELD: As soon as possible. We've paid off all the liens on the property. We're just, we had to just deal with this issue as far as stopping the demolition.

CHAIR WEYMOUTH: You said that there's impact windows in there?

INSPECTOR OLIVA: No, regular windows but they have

1 hurricane shutters on there. 2 CHAIR WEYMOUTH: Okay. 3 MS. NEUFELD: I have a statement from the buyer. CHAIR WEYMOUTH: 4 Okay. 5 MS. NEUFELD: Just kind of saying who they are and 6 their willingness to bring this property into compliance. 7 CHAIR WEYMOUTH: When did they go under contract on this property? 8 9 MS. NEUFELD: The contract is dated -- I have a 10 copy of the contract if you'd like it as well. 11 MR. JARRETT: While you're looking for that, can I 12 ask a question? 13 CHAIR WEYMOUTH: Sure. 14 MR. JARRETT: Why did --15 CHAIR WEYMOUTH: Assuming she can multitask. 16 MS. NEUFELD: I can manage. 17 MR. JARRETT: Why did the new buyer, or the buyer not feel compelled to come here today with this hearing with 18 19 you and explain to us that they're going to do all this? 20 MS. NEUFELD: Because we, we represent the seller, so we're just kind of handling all the code matters. 21 22 been the one dealing with paying off open liens and paying 23 the water bills. And I've just been the one handling all the different issues. 24 MR. JARRETT: But the problem lies in the fact that 25

1	you're representing the seller. The seller is not in any
2	position to renew these permits to make this house legal.
3	It's the buyer that needs to do that. We're hearing from the
4	wrong party.
5	MS. NEUFELD: Well, the buyer's aware of the
6	problems. I forwarded him the list of the problems with the
7	property. We'll coordinate with them and he can speak to the
8	Inspector to bring it into compliance. The contract, June 4
9	is the date of the contract.
10	CHAIR WEYMOUTH: So, within the last forty-five
11	days. Without speculating, when would you think that this is
12	going to close?
13	MS. NEUFELD: The buyer is an all cash deal.
14	They're ready to close, we just had to make sure that this
15	CHAIR WEYMOUTH: Within thirty days?
16	MS. NEUFELD: Oh yes, definitely.
17	CHAIR WEYMOUTH: Okay. Any other questions for the
18	respondent?
19	MR. JARRETT: No, I have a question for the City
20	Attorney.
21	CHAIR WEYMOUTH: Okay. Thank you.
22	MS. NEUFELD: Thank you.
23	MR. JARRETT: If we reconsider this, then basically
24	we are voiding the order to demolish the house.
25	MS. SARVER: Correct.

MR. JARRETT: What hold do we, what pressure can we put on the new buyer to do anything if they don't do anything? I mean, I'm hearing a real estate holding company buying. All of us here on the Board know that realty

companies do not fix up houses, they sell houses.

CHAIR WEYMOUTH: But Thornie, let me add to the other side of your argument. The property has been brought into compliance, this, it's no longer in compliance because of an expired permit. But the roof's been replaced, the windows, there are windows that are in that have been inspected, that have hurricane protection for them. Whether it's on them or not I don't know; I would advise putting it on them. But it would seem like --

MR. LARSON: [inaudible] they have shutters, they have shutters, he said.

CHAIR WEYMOUTH: I know, but are they installed, are they on?

MR. LARSON: Yes.

CHAIR WEYMOUTH: In other words, going back to his argument, the seller has no more skin in the game, what's to keep them, here comes a storm, I'm not going out there to put them up. I've got a -- I would advise that the shutters be put up.

But it seems like the situation has been rectified from a structural standpoint. Now it's more of an expired

permit and trying to close it and then renew it and then we can get out.

MR. JARRETT: Well, maybe you have a point there, and maybe I should ask George this question. He's talking to his boss though. Ask his boss. George, my question to you would be is maybe I misunderstood what you said because I kind of thought the implication was that it was only halfway finished. Is it just the technicality of a final inspection? And in my mind, the technicality of a final inspection is that it wasn't completed and that's why we didn't call in a final inspection.

INSPECTOR OLIVA: That's what happened. George Oliva, Building Inspector for the City. Not only the permits were issued -- I'm going to show it to the Board so you can see it -- at this moment the property's completely boarded. The City had the contractor went by and we boarded every single opening in the property. So the property has been kept secure, the outside's clean and you can see it right there.

[Inspector Oliva displayed photos of the property]

CHAIR WEYMOUTH: Boarded with the manufactured shutters for the property --

INSPECTOR OLIVA: No, no, they were --

CHAIR WEYMOUTH: -- or plywood?

INSPECTOR OLIVA: The shutters were on place. The

12 shutters were removed by the City, they were put inside and 1 we boarded it up with wood and the two-by-fours and the openings and the -- and it was boarded up under a permit. 3 4 MR. HOLLAND: For security. 5 INSPECTOR OLIVA: To keep it secure. Against hurricane. 6 MR. HOLLAND: 7 INSPECTOR OLIVA: Right, not only that, we were afraid that somebody would go in because the house was left 8 9 by the previous tenant that was living in the east apartment open. So we had the SRT go by and board it up. 10 11 CHAIR WEYMOUTH: Do you know who did all the 12 improvements since the demolition order was --13 INSPECTOR OLIVA: The previous owner that was the 14 owner of the property, he came to the City, he applied for 15 the permit, the permit were issued. And he did even a few 16 inspections were passed. The electrical, the only thing it's 17 missing is just the final. When the property went back to 18 the bank because he said it was underwater. He paid for that

CHAIR WEYMOUTH: Does it say on here when the last time an inspection was done on that property?

property two hundred and thirty-four thousand dollars.

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INSPECTOR OLIVA: No, not on that one. I can find it.

CHAIR WEYMOUTH: Is it recent? I mean is it four years ago or is it --

1	INSPECTOR OLIVA: No, 2009.
2	CHAIR WEYMOUTH: Huh?
3	INSPECTOR OLIVA: 2009 was the last inspection.
4	CHAIR WEYMOUTH: In '09.
5	INSPECTOR OLIVA: 2009.
6	MR. CROGNALE: Mr. Chair?
7	INSPECTOR OLIVA: And that's when the bank took the
8	property back.
9	CHAIR WEYMOUTH: Okay. Joe?
10	MR. CROGNALE: Mr. Oliva, hypothetically, if you
11	went there this morning to this property, would you cite this
12	property as unsafe as of today?
13	INSPECTOR OLIVA: No sir. I would cite it as a
14	violation of the Florida Building Code because it have
15	expired permit. But not
16	MR. CROGNALE: Expired permit is the issue.
17	INSPECTOR OLIVA: At this time.
18	MR. CROGNALE: But it's not cited as an unsafe
19	structure.
20	INSPECTOR OLIVA: This is a code case issue right
21	now. And I would pursue with a code case until they fine it,
22	finalize the permit.
23	CHAIR WEYMOUTH: Any other questions?
24	MR. JARRETT: No, the only thing is, is I didn't
25	get

1 MS. SARVER: That was going to --2 MR. JARRETT: -- be what you were going to say? 3 MS. SARVER: My take is that, if this, to have the Inspector say on the record that if he was to go out and 4 visit the property would he deem it unsafe. And if the 5 answer was no, then I would say, it's of course the will of the Board, but then that you would be within your parameters 8 to reconsider and to reverse the original demolition order. Because then it would just be a matter of a violation of the 10 Florida Building Code or go to Code Enforcement as opposed to 11 USB. 12 MR. JARRETT: So there is a way that we can follow 13 up on this, that is, we being the City, can follow up on 14 this. 15 MS. SARVER: Yes, I think, yes. 16 MR. JARRETT: And that we have the Inspector saying 17 that we will in fact follow up on this. 18 MS. SARVER: Yes. 19 INSPECTOR OLIVA: Yes, we will open a case for Code 20 Enforcement for expired permits. 21 MR. JARRETT: Okay. 22 INSPECTOR OLIVA: And also we will follow for the 23 outside [inaudible] 24 MR. JARRETT: Okay. 25 INSPECTOR OLIVA: [inaudible]

1 CHAIR WEYMOUTH: Any other questions? Before we 2 open this up to a motion and then discussion, please let the 3 record reflect that Mr. Phillips joined the Board. 4 MR. PHILLIPS: Thank you, Mr. Chairman. 5 CHAIR WEYMOUTH: Yes sir. If there's no other 6 questions or comments, does anybody want to make a motion? 7 MR. JARRETT: I'll make a motion. 8 CHAIR WEYMOUTH: Okay. 9 MR. JARRETT: I'll make a motion that we -- oh, that's not written down here in our little form, motion 10 11 maker. 12 CHAIR WEYMOUTH: Be creative. 13 MR. JARRETT: I should have let John do it. 14 MR. CROGNALE: Thornie, wing it, wing this. 15 MR. JARRETT: I make a motion that we void the 16 previous --17 MS. SARVER: If we're being technical, I would first have the Board do a motion to reconsider --18 19 MR. JARRETT: Okay. 20 MS. SARVER: -- and then actually do --21 MR. JARRETT: Then I'll make a motion to reconsider 22 this case. 23 MR. LARSON: I'll second. 24 CHAIR WEYMOUTH: We have a motion and a second. Any further discussion before we put it to a vote? Hearing 25

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none, all in favor say aye.
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             BOARD MEMBERS: Aye.
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             CHAIR WEYMOUTH: Any opposed? Hearing none, motion
    carries.
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 5
             MR. JARRETT: Okay. Now I'll make a motion to void
   the previous demolition order.
 6
 7
             MS. SARVER: That should be sufficient.
             MS. HALE: I'll second that.
 8
 9
             MS. SARVER: Or you can do the motion again.
10
   Because the first one was to reconsider your previous motion.
11
   So the first motion that you guys did back in 2009 I guess
12
   was to demo the property.
             MR. JARRETT: Correct.
13
14
             MS. SARVER: So you could do that same motion and
    just not vote in favor of it.
15
16
             CHAIR WEYMOUTH: Or you can make a motion for an
    extension.
17
             MR. JARRETT: Correct.
18
19
             MR. CROGNALE: Doesn't the motion to reconsider
20
    supersede all that though?
             MS. SARVER: The motion for --
21
22
             MR. CROGNALE: Because you're resetting the clock
23
   back so if you have a motion to reconsider --
             MS. SARVER: Yes, to what your original motion was.
24
25
             MR. CROGNALE: -- you're, it's moot.
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1 MS. SARVER: It, I mean, no, you're motion to 2 reconsider gets you back to the original motion that was on back in 2009, April 16 of 2009. If we're [Inaudible] 3 CHAIR WEYMOUTH: Right, so the City in April 16, 4 5 2009, there was a violation that existed --6 MS. SARVER: Correct. 7 CHAIR WEYMOUTH: -- and now we're granting them an extension to cure the violation. 8 9 MS. SARVER: Yes. 10 CHAIR WEYMOUTH: And the cure is going to be once 11 the new buyer closes on the property, reissues or reactivates 12 the permit and then closes it out in an acceptable fashion. 13 MS. SARVER: Correct. But just to clarify, if we give the extension, is that fine with your client, so they'll 14 15 be able to move on with the sale? 16 MS. NEUFELD: Extension of the ability to 17 [inaudible] a permit? CHAIR WEYMOUTH: Extension of the violation. 18 19 MS. SARVER: I just want to make sure that she's --20 CHAIR WEYMOUTH: Right. MS. SARVER: -- clear as to what the action is. 21 22 MR. JARRETT: I kind of feel like that maybe that's 23 not necessary because of the fact that City has in place a 24 mechanism to follow up on this anyway.

MS. SARVER: Yes, because I don't think it would

25

necessarily, based upon the status of the current condition 1 2 of the property, this Board, it wouldn't be appropriate then for it to come back to USB because it's not unsafe --3 MS. HALE: No. 4 MS. SARVER: -- we've entered that evidence into 5 the record. So then it --6 7 CHAIR WEYMOUTH: Right, so then we make a motion 8 that the property's been brought into compliance. Because 9 it's no longer --10 MR. PHILLIPS: Just a comment -- I think our motion 11 to reconsider has to do with vacating the demolition order. 12 MR. WALKER: Right. 13 CHAIR WEYMOUTH: Correct. 1.4 MR. PHILLIPS: So I think the, it's a suggestion that we reconsider it. Can we reconsider the order? 15 16 MS. SARVER: You guys have. 17 MR. PHILLIPS: So maybe I think we should make a 18 motion to vacate the demolition order. 19 MS. SARVER: Yes, that's sufficient. 20 MR. JARRETT: Okay. Isn't that what I said? 21 MS. SARVER: Yes. 22 MR. JARRETT: Oh no, I didn't use the word vacate. 23 Okay. All right. MR. PHILLIPS: I think we do, if you want a motion 24 25 to vacate the demolition order --

1 MR. JARRETT: I'll make a motion to vacate the 2 demolition order. 3 MR. LARSON: I'll second it. 4 MS. HALE: I already seconded it. I seconded it. 5 MR. LARSON: Oh, you seconded it, okay. MR. PHILLIPS: I third it. 6 7 MS. HALE: Oh third it, oh wow. CHAIR WEYMOUTH: All right, so we have a motion to 8 9 vacate the demolition, we have a second. Any further 10 discussion? All in favor say aye. 11 BOARD MEMBERS: Aye. 12 CHAIR WEYMOUTH: Any opposed? 13 MR. PHILLIPS: No. 14 CHAIR WEYMOUTH: Hearing none, motion carries. 15 MR. PHILLIPS: Now, I think we're back, so I would, 16 and I would suggest we move a motion for --17 MR. LARSON: Extension. 18 MR. PHILLIPS: We can either do a motion for extension of time --19 20 MS. SARVER: I think you just vacated the order, so 21 the order is nonexistent. And then the property, if the 2.2 seller does not --23 MR. WALKER: Motion to extend --24 MR. PHILLIPS: All right, so maybe a motion to 25 continue matters since, there's still a case that's open,

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1
    right?
              MS. SARVER: You've already vacated the order.
 2
 3
              MR. CROGNALE: No, it's closed; it's not in
 4
    violation.
 5
              MS. SARVER: It's not in violation anymore.
              MR. LARSON: It's not in violation John.
 6
 7
              MS. SARVER: It's brought back [inaudible]
 8
              MR. CROGNALE: You can't extend that which is not
 9
    in violation.
10
              MS. SARVER: Yes.
11
              MR. PHILLIPS: So there's nothing ahead of it, in
    front of us?
12
13
              MS. SARVER: I think you guys have taken both
14
    appropriate actions.
15
              CHAIR WEYMOUTH: Okay.
16
              MR. JARRETT: Right, right, we're done.
17
              MS. SARVER: You just, yes.
18
              CHAIR WEYMOUTH: So we can talk about the good of
19
    the order and adjourn the meeting and go home.
20
              [People speaking over each other]
21
              CHAIR WEYMOUTH: I'm assuming that was the only
22
    case, correct?
23
              MS. SARVER: You can have tea and cookies
24
    [inaudible]
25
              CHAIR WEYMOUTH:
                               Really?
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1	MR. PHILLIPS: We can all repair to Tap 42.
.2	CHAIR WEYMOUTH: [inaudible] beer. You don't know
3	this Board very well, do you?
4	MS. SARVER: Don't you wish I was here every month
5	instead of Ginger?
6	[People speaking over each other]
7	CHAIR WEYMOUTH: [inaudible] 82?
8	MS. SARVER: I'd preferred that suggestion over tea
9	and cookies, yes. On Gerry, there we go.
10	MR. PHILLIPS: And I can talk about the memories
11	and the ghosts of Brownie's Bar.
12	CHAIR WEYMOUTH: Yes, buddy, me too.
13	MR. PHILLIPS: Still live at Tap 42.
14	CHAIR WEYMOUTH: We're definitely segueing down a
15	very long stretch here.
16	INDEX
17	COMMUNICATION TO THE CITY COMMISSION
18	CHAIR WEYMOUTH: Is there any additional City
19	business that this Board needs to hear? Are there any words
20	of wisdom to our fearless leaders, the Commission? Hearing
21	none
22	MR. LARSON: Make a motion we adjourn.
23	MS. HALE: Second.
24	

INDEX Other Items and Announcements None. INDEX FOR THE GOOD OF THE CITY No discussion. [Meeting concluded at 3:23 pm.] [Minutes prepared by: J. Opperlee, Prototype, Inc.]

1 CERTIFICATION I hereby certify that I have recorded and transcribed the 2 City of Fort Lauderdale Unsafe Structures Board meeting held July 18, 2013, at 3:00 p.m., City Hall, 100 North Andrews 3 Avenue, 8th Floor Conference Room, Fort Lauderdale, Florida. 4 Dated at Ft. Lauderdale, Broward County, Florida, this , 2013. 5 6 PROTOTYPE, INC. 7 8 Recording Clerk 9 SWORN TO and SUBSCRIBED before me by JAMIE OPPERLEE who is 10 personally known to me and who signed the foregoing for the purposes therein expressed. 11 DATED this 15th day of August 12 13 D.J. GROSSFELD MY COMMISSION # EE 065058 14 EXPIRES: April 26, 2015 Bonded Thru Budget Notary Services State of Florida 15 16 17 18 19 20 21 22 23 24 25